

Amendments to the Claims

This listing of claims will replace all prior versions of the claims.

Claims 1-12 (Canceled)

13. (Currently amended) ~~The A vector according to claim 32 for plant~~ transformation comprising (i) a T-DNA sequence comprising a sequence located between two direct repeats and (ii) an antisense housekeeping gene, wherein the housekeeping gene is selected from the group consisting of an ATP synthase gene, a cytochrome c gene, a pyruvate kinase gene, an aminoacyl transferase gene, a phosphate translocator gene, a dicarboxylate translocator gene, and a 2-oxo-glutarate translocator gene, wherein said antisense housekeeping gene is not located within said T-DNA sequence.

Claims 14-32 (Canceled)

33. (New) The vector of claim 13, wherein said housekeeping gene is an ATP synthase gene.

34. (New) The vector of claim 13, wherein said housekeeping gene is a cytochrome c gene.

35. (New) The vector of claim 13, wherein said housekeeping gene is a pyruvate kinase gene.

36. (New) The vector of claim 13, wherein said housekeeping gene is an aminoacyl transferase gene.

37. (New) The vector of claim 13, wherein said housekeeping gene is an phosphate translocator gene.

38. (New) The vector of claim 13, wherein said housekeeping gene is a dicarboxylate translocator gene.

39. (New) The vector of claim 13, wherein said housekeeping gene is a 2-oxo-glutarate translocator gene.

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 13 and 33-38 are pending in the application, with claim 13 being the independent claim. New claims 33-38 are sought to be added. Support for new claims 33-38 can be found throughout the specification and in the originally filed claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Applicants thank the Examiner for the removal of the rejection under 35 U.S.C. § 112, first paragraph, for enablement of claims 2 and 13, and the removal of the rejection of claims 1, 2, 4-6, 8, 9, 11 and 13 under 35 U.S.C. § 112, second paragraph.

Applicants also thank the Examiner for indicating the allowability of claim 13 if rewritten in independent form incorporating the limitations of the claims upon which it depends.

Rejections under 35 U.S.C. § 112

Written Description Rejection

The rejection of claims 20 and 29 as allegedly containing new matter is respectfully traversed. While not acquiescing to the Office's rejection, claims 20 and 29 have been canceled to expedite prosecution, rendering this rejection moot.

The rejection of claims 1, 4, 6, 8-11 and 31 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement is respectfully traversed. While not acquiescing to the Office's rejection, claims 1, 4, 6, 8-11 and 31 have been canceled to expedite prosecution, rendering this rejection moot. Withdrawal of this amendment is therefore respectfully requested.

Enablement Rejection

The rejection of claims 1, 4, 8, 9, 11, 31 and 32 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement is respectfully traversed. While not acquiescing to the Office's rejection, claims 1, 4, 8, 9, 11, 31 and 32 have been canceled to expedite prosecution, rendering this rejection moot. Withdrawal of this amendment is therefore respectfully requested.

Rejections under 35 U.S.C. § 102

The rejection of claims 1, 2, 8, 11, 12 and 14-30 under 35 U.S.C. § 102(g) as allegedly anticipated by Gutterson *et al.*, U.S. Patent No. 6,521,458 ("Gutterson") is respectfully traversed. While not acquiescing to the Office's rejection, claims 1, 2, 8, 11, 12 and 14-30 have been canceled to expedite prosecution, rendering this rejection moot.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

The rejection of claim 9 under 35 U.S.C. § 103 as allegedly unpatentable over U.S. Patent No. 6,521,458 is respectfully traversed. While not acquiescing to the Office's rejection, claim 9 has been canceled to expedite prosecution, rendering this rejection moot. Accordingly, withdrawal of this rejection is respectfully requested

The rejection of claims 1, 4, 5, 9, 11 and 31 under 35 U.S.C. § 103 as allegedly being unpatentable over Ramanathan *et al.*, *Plant Molecular Biology* 28:1149-1154 (1995) ("Ramanathan") in view of D'Souza-Ault *et al.*, *J. Bacteriology* 175:3486-3490 (1993) ("D'Souza-Ault") is respectfully traversed.

While not acquiescing to the Office's rejection, claims 1, 4, 5, 9, 11 and 31 have been canceled to expedite prosecution, rendering this rejection moot. Accordingly, withdrawal of this rejection is respectfully requested.

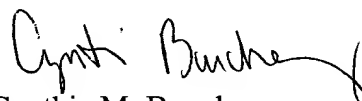
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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